IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 481 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19-02-2004 in W.P.No. 24591/2003 on the file of the High Court.Hon'ble Single Judge, High Court of A.P. Hyderabad

Between:

Venkatachalapathi Rao son of M.L. Narayana Rao,aged 43 years Occ: Computer Operator , State Bank of India, Serilingampally Branch, R.R. District.R/o H.No. 18/2RT, Chandulal Baradari Colony Hyderabad

..... APPELLANT

AND

1 The Asst. General Manager (Region II) and Disciplinary Authority
State Bank of India, Disciplinary Proceedigns Section, Patny Circle, Secunderabad
2 T.L.Hariharan, Chief Manager & Enquiry Officer
State Bank of India, Region III , Hyderabad Zonal Officer
Patny Circle, Secunderabad

.....RESPONDENT(S)

For the Appellant: MR.SEETHIRAJU SRIDHAR RAO, Advocate.

For the Respondent No.: MR.E.MADAN MOHAN RAO, Advocate.

The Court Made the Following :

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY
AND
THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO.481 OF 2004

ORDER: (per Hon'ble sri Justice G.Bikshapathy)

The writ appeal is filed against the order of the learned Single Judge in Writ Petition No.24591 of 2003, dated 19.2.2004.

2. The petitioner is a computer operator in State Bank of India and disciplinary proceedings were initiated pursuant to the charge memo dated 20.11.2001. Simultaneously, the CBI also investigated the case and the matter is under investigation. When the matter stood thus, writ petition was filed seeking direction to the bank not to proceed with the disciplinary proceedings pending criminal charges.

3. The contention of the counsel for the petitioner was that under the terms of Memorandum of Settlement arrived between the management of the Banks and representatives of the Indian Bank Employees Associations, the departmental proceedings have to be stayed. But however, the learned Single Judge had an occasion to consider the provisions of the said Settlement dated 10.4.2000 in another Writ Petition No.21126 of 2003, and came to conclusion that the terms of the Settlement do not constitute an impediment to the conduct of departmental enquiry even though prosecution is in progress. Following the said judgment, the learned Single Judge dismissed the Writ Petition No.24591 of 2003, dated 29.2.2004.

4. The learned counsel for the appellant submits that the order of

the learned Single Judge is not sustainable in law, inasmuch as, the petitioner cannot be subjected to double jeopardy and the departmental proceedings have to be stayed pending criminal proceedings. We are afraid, we cannot accept the contention of the learned counsel for the appellant. The only ground urged before the learned Single Judge was that under the terms of Settlement, the department has to postpone the disciplinary proceedings during the pendency of the criminal proceedings. That aspect was considered and answered in negative by the learned Single Judge.

5. Under these circumstances, we do not find any ground to interfere with the order of the learned Single Judge. The writ appeal is accordingly dismissed. No costs.

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G.BIKSHAPATHY,J

Dt.23.6.2004.

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B.SESHASAYANA REDDY,J

Mdaa.

A SSISTANT REGISTRAR

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